

REMEDICATION AND REDEVELOPMENT (RR) NEWS FROM WISCONSIN DNR
July 30, 1999

HEARINGS SCHEDULED FOR NR 140 AMMENDMENTS

Public hearings on proposed amendments to NR 140 are scheduled for August 12 at 9:00 a.m. in room 207, Green Bay City Hall, 100 N. Jefferson; August 13 at 9:00 a.m. in the library at 106 N. Stevens, Rhinelander; August 16 at 9:00 a.m. in room 185, DNR Headquarters, 1300 W. Clairmont, Eau Claire; and August 17 at 12:00 noon in room 511 of the DNR building, 101 S. Webster, Madison. Copies of the proposed revisions (green sheet for the Natural Resources Board) are available from Steve Karklins, 608-266-5240. The proposed amendments would revise the enforcement standards for toluene and xylene to conform with federal drinking water standards and would revise the preventive action limits (PAL) for these substances to account for taste and odor concerns. Changes are also proposed to make it easier for DNR to grant a PAL exemption for exceedences of welfare standards. The deadline for public comment is August 27. Written comments should be submitted to Steve Karklins - DG/7, DNR, Box 7921, Madison, WI 53707. The hearing schedule is on the DNR's web site - <http://www.dnr.state.wi.us/org/caer/ce/news/hearmeet.html>

WEST ALLIS RECEIVES \$200,000 REDEVELOPMENT GRANT

EPA has selected West Allis and the Village of West Milwaukee for a Sustainable Development Challenge Grant (SDCG) of \$200,000. The two municipalities share a 32 acre industrial brownfield site, the former Wehr Steel property, which was used as a foundry and landfill. The Wehr site, once the largest steel facility in Wisconsin, is one of the last large brownfields remaining in West Allis. The two municipalities seek to clean up the environmental and health-related hazards on the site and redevelop it into a business park, using infill development to eliminate blight, return property to the tax base, and provide job opportunities. The municipalities plan to assess the property during the pilot project and develop a cleanup plan, and to use state and local mechanisms to remove liability and financing barriers to cleanup and redevelopment. For further information, contact the City of West Allis, Department of Development at (414) 302-8462, or the U.S. EPA Region 5 Brownfields Team at (312) 353-3161. You can also visit the EPA Region 5 Brownfields web site at: <http://www.epa.gov/R5Brownfields/> Other municipalities interested in EPA's SDCG may submit a project proposal by September 29, 1999. Approximately \$9.4 million is available nationally in federal year 1999/2000. EPA is funding assessment demonstration pilot programs of up to \$200,000 over two years to assess brownfields and test cleanup and redevelopment models. The SDCG program encourages community members, business and government entities to work cooperatively to develop flexible, locally oriented approaches that link environmental management and quality of life activities with sustainable development and revitalization. More information is available at <http://www.epa.gov/ecocommunity/sdcg> or contact Dr.Lynn Desautels at 202/260-6812.

ATTORNEY GENERAL'S STATEMENT ON RBCA

On June 15, 1999 Wisconsin Attorney General James Doyle issued a formal opinion on risk based methodologies, such as the ASTM Risk-Based Corrective Action (RBCA) protocol, and their consistency with Wisconsin's groundwater law. His opinion states that "certain core components of Risk-Based Corrective Action are not consistent with

chapter 160", the groundwater law. In his seven-page opinion, Doyle notes that many components of RBCA are allowed under the law and have already been incorporated into the NR 700 cleanup rules. However, conflicts arise in three areas. 1) Differences in the scope of the investigation and the response to contamination: The ASTM RBCA standard does not require investigation and cleanup of contamination that is not predicted to affect receptors (e.g. people, surface waters). Doyle says "RBCA requires no response at all if there are no receptors or points of human contact, even if contamination is spreading." 2) Differences in the level of protection: RBCA's risk-based screening levels and site-specific target levels differ from the standards established under chapter 160. 3) Differences in assurance that remediation is effective and in the way site closure is granted: Under chapter 160, Wis. Stats., and the NR 700 rule series, a site may be closed after it is in compliance with, or has been shown to be coming into compliance with, applicable standards. NR 726 allows closure of cases with groundwater contamination above enforcement standards following a site-specific demonstration of natural attenuation. Comm 46 allows closure of petroleum contaminated sites where site-specific demonstrations that natural attenuation is working are technically unfeasible. This is based on the state's belief that natural attenuation is in fact occurring at sites where the criteria in Comm 46 are met, and the fact that contaminant migration occurs very slowly in low permeability formations. If you'd like a copy of the opinion contact Jessica Milz at 608-267-0559, or at milzj@dnr.state.wi.us

RR PROGRAM CONTINUES PROACTIVE CLOSURE REVIEWS

As part of its response to the PECFA audit, DNR has been advising site owners when their cleanup fits into one of three types of "proactive" agency recommendations. RR staff make proactive closure recommendations when: 1) a case closure request has not been submitted but data indicates that it could be, 2) a closure request has been submitted but a necessary institutional control has not been requested, or 3) an engineered remediation system can be shut down for evaluation of natural attenuation. In the first half of 1999 RR program staff issued 141 proactive closure recommendations. In many cases, the consultant has already submitted the suggested closure request. DNR sends a copy of each proactive closure recommendation to the Department of Commerce so that the site's PECFA status can be evaluated.

REASONS FOR CLOSURE DENIAL REMAIN

On June 4 we reported on the reasons that closure requests in the first quarter were not approved. Data for the first half of the year do not show significant changes. The top four reasons that case closure requests were not approved are:

- Site investigation did not define the extent and degree of contamination, 51% in the first quarter and the same for the first half;
- Additional rounds of sampling were needed, 26% in the first quarter and 32% in the first half;
- Lack of demonstration that the groundwater plume is stable or receding, 16% in the first quarter and 14% in the first half;
- Insufficient documentation, 13% in the first quarter and in the first half.

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